

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

HO WAN KWOK, a/k/a Miles Guo, et al.,

Defendants.

Case No. 1:23-cr-00118

THIRD-PARTY PETITION TO AMEND ORDER OF FORFEITURE AND FOR RETURN OF DIGITAL ASSETS

TO THE HONORABLE COURT:

I. IDENTITY OF CLAIMANT

Due to personal safety concerns and risks of persecution in my region, I respectfully request to appear under my Himalaya Exchange User Identification Code (HID: RDWBCSZ), rather than my legal name, or to file this petition under seal.

This HID was established by the Himalaya Exchange to uniquely identify users for all transactions and litigation-related purposes.

II. NATURE OF INTEREST

I am a lawful owner of digital assets held on the Himalaya Exchange, specifically HCN (Himalaya Coin) and HDO (Himalaya Dollar).

My holdings of HCN consist of two parts:

a. Pre-listing HCN Allocation: Pursuant to agreements made prior to HCN's public issuance, I was entitled to acquire a substantial quantity of HCN at a preferential rate. These assets were held in custody by the Himalaya Farm Alliance, with a contractual three-year lock-up period.

b. Post-listing Purchases: After HCN was listed, I lawfully purchased additional HCN on the open market at market prices. These assets were maintained in my personal account at the Exchange.

According to the original agreement, the Farm Alliance's custody period has expired. However, due to the government's forfeiture order, my pre-listing HCN allocation remains inaccessible.

III. DAMAGES SUFFERED

The government's forfeiture order, as part of the preliminary order of forfeiture issued on August 11, 2023, has directly caused me severe losses:

- I have been unable to access, trade, or dispose of my HCN and HDO.
- During the forfeiture period, HCN and HDO could not be transacted in the free market, depriving me of opportunities to preserve or enhance the value of my assets.
- My digital assets have depreciated significantly compared to their potential market value absent the forfeiture.

To sustain my living expenses during the forfeiture period, I was forced to take high-interest loans from banks and other financial institutions, resulting in ongoing financial hardship.

The prolonged uncertainty and deprivation of my property rights have also caused me severe psychological and emotional distress.

IV. LEGAL BASIS FOR RELIEF

As a third-party user, I am not named as a defendant in this action. I have committed no violation of federal law.

The continued inclusion of my personal HCN and HDO assets in the forfeiture order, without individualized determination or hearing, violates fundamental principles of due process under the Fifth Amendment of the U.S. Constitution.

Under 21 U.S.C. § 853(n) and Federal Rule of Criminal Procedure 32.2, third-party owners of property subject to forfeiture are entitled to petition the Court to amend the forfeiture order to protect their independent property interests. I assert a superior legal interest in my HCN and HDO assets, which were lawfully acquired and are not proceeds of the defendants' alleged crimes.

V. RELIEF REQUESTED

WHEREFORE, I respectfully request that this Court:

1. Recognize me as a third-party petitioner in this action;
2. Amend the preliminary order of forfeiture to exclude my HCN and HDO assets currently subject to the government's forfeiture;
3. Direct the appropriate government agencies, including the Department of Justice (DOJ) and the United States Marshals Service (USMS),
to release my HCN and HDO assets, including my pre-listing HCN allocation previously held by the Himalaya Farm Alliance;
4. Grant a hearing to establish my superior interest in the assets pursuant to 21 U.S.C. § 853(n);
5. Award such other and further relief as this Court deems just and proper.

VI. CONCLUSION

The government's forfeiture order, while aimed at the named defendants, has caused disproportionate harm to innocent third-party users like myself. I respectfully urge the Court to amend the forfeiture order to restore fairness and protect my legitimate property rights.

DECLARATION

Respectfully submitted,

Himalaya Exchange User

HID: RDWBCSZ

Pro Se Petitioner

Date: September 2, 2025

Declaration under Penalty of Perjury

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on September 2, 2025.

Signature: RDWBCSZ

(HID: RDWBCSZ)

CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2025, a true and correct copy of the foregoing Third-Party Petition was served via electronic mail upon counsel for the United States:

- Office of the United States Attorney, Southern District of New York
- United States Department of Justice (DOJ)
- United States Marshals Service (USMS)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 2, 2025.

Signature: RDWBCSZ

(HID: RDWBCSZ)